

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ANTHONY YANNONE, Individually and §  
as Administrator of the Estate of Tyler §  
Yannone, and as Executor of the Estates of §  
Neisha Zahn and Daniel Yannone, §  
§  
Plaintiffs, §  
§  
v. § 23-cv-00345  
§ CIVIL ACTION NO. \_\_\_\_\_  
§  
AVIALL, INC., DALLAS §  
AIRMOTIVE, INC., §  
STANDARDAERO BUSINESS §  
AVIATION SERVICES, LLC, §  
ROLLS-ROYCE CORP., BOEING §  
DISTRIBUTION, INC., JOHN DOE §  
CORPORATIONS 1 THROUGH 5, §  
§  
Defendants. §

**DEFENDANT ROLLS-ROYCE CORPORATION'S NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Rolls-Royce Corporation (“RRC”), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, gives notice to this Court of the removal of Cause No. DC-23-01964 from the 192nd Judicial District Court in Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division, as follows:

**I.**  
**BACKGROUND**

1. This action arises from a helicopter accident that occurred on or about February 15, 2021 in St. Thomas Island, U.S. Virgin Islands. Plaintiffs allege various claims against RRC and other defendants for negligence, strict liability, breach of warranty, and “pre-impact terror.” Pls.’ First Am. Pet., ¶¶ 22–39, **Ex. D.3.**

2. On February 9, 2023, Plaintiffs filed their Original Petition in the 192nd Judicial District Court in Dallas County, Texas under Cause No. DC-23-01964. Pls.' Original Pet., **Ex. D.1**. On February 13, 2023, Plaintiffs filed their First Amended Petition. Pls.' Am. Pet., **Ex. D.3**.

3. Pursuant to Local Rule 81.1, an index of matters being filed with this Notice of Removal is attached as **Exhibit A**; a copy of the docket sheet in the state court action is attached as **Exhibit B**; a certificate of interested persons is attached **Exhibit C**; the relevant pleadings and executed process on file in the state court action are attached as **Exhibits D.1** through **D.8**; the notice of related case is attached as **Exhibit E**; the civil cover sheet is attached as **Exhibit F**; and the supplemental civil cover sheet is attached as **Exhibit G**.

**II.**  
**BASIS FOR REMOVAL**

4. There is diversity of citizenship between Plaintiffs and RRC. Furthermore, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. *See* Pls.' Am. Pet., ¶ 42, **Ex. D.3** (seeking monetary relief in excess of \$1,000,000). Thus, RRC is entitled to remove this action to this Court under 28 U.S.C. §§ 1332 and 1441(a).

5. RRC submits that complete diversity of citizenship exists pursuant to 28 U.S.C. § 1332(a). At the time the Petition was filed, and at the time of removal, Plaintiffs were residents and domiciles of Ohio and U.S. Virgin Islands. Pls.' Am. Pet., ¶¶ 2–5, **Ex. D.3**. At the time the Petition was filed, and at the time of removal, RRC was a Delaware corporation with its principal place of business in Indiana.<sup>1</sup> *Id.*, ¶ 9, **Ex. D.3**. Accordingly, for jurisdictional purposes, RRC is a citizen of Delaware and Indiana and complete diversity of citizenship exits between RRC and Plaintiffs.

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<sup>1</sup> Plaintiffs incorrectly plead that RRC's principal place of business is in Virginia. Regardless, there is complete diversity of citizenship between RRC and Plaintiffs.

6. There is also diversity of citizenship between Plaintiffs and Defendants Aviall, Inc., Dallas Airmotive, Inc., StandardAero Business Aviation Services, LLC, and Boeing Distribution, Inc. (collectively, the “Remaining Defendants”) because none of the Remaining Defendants are citizens of Ohio or U.S. Virgin Islands.

7. Defendant Aviall, Inc. is a Delaware corporation with its principal place of business in Texas.<sup>2</sup> Pls.’ Am. Pet., ¶ 6, **Ex. D.3**. Defendant Aviall, Inc. is therefore a citizen of Delaware and Texas.

8. Defendant Dallas Airmotive is a Texas corporation with its principal place of business in Arizona.<sup>3</sup> Pls.’ Am. Pet., ¶ 7, **Ex. D.3**. Defendant Dallas Airmotive is therefore a citizen of Texas.

9. Defendant StandardAero Business Aviation Services, LLC is a Delaware corporation with its principal place of business in Arizona. Pls.’ Am. Pet., ¶ 8, **Ex. D.3**. Defendant StandardAero Business Aviation Services, LLC is therefore a citizen of Delaware and Arizona.<sup>4</sup>

10. Boeing Distribution, Inc. is a Delaware corporation with its principal place of business in Illinois. Pls.’ Am. Pet., ¶ 10, **Ex. D.3**. Defendant Boeing Distribution, Inc. is therefore a citizen of Delaware and Illinois.

11. None of the defendants in this matter are citizens of Ohio or U.S. Virgin Islands. Likewise, none of the Plaintiffs are citizens of Delaware, Texas, Arizona, or Illinois. This case is therefore removable under 28 U.S.C. § 1441.

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<sup>2</sup> Upon information and belief, Aviall, Inc. no longer exists as an entity.

<sup>3</sup> Plaintiff’s Petition incorrectly alleges its principal place of business is in Cincinnati, Ohio.

<sup>4</sup> Upon information and belief, StandardAero Business Aviation Services, LLC is wholly owned by StandardAero Aviation Holdings, Inc., a Delaware corporation, with its principal place of business in Arizona.

12. Consent for this removal is not required because none of the Remaining Defendants have been properly joined and served. *See* 28 U.S.C. & 1446(b)(2)(A) (defendants who have “been properly joined and served” must consent).

**III.**  
**REMOVAL PROCEDURE**

13. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within 30 days after RRC’s receipt of Plaintiffs’ Original Petition.

14. Removal of this action is proper under 28 U.S.C. § 1441 because it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter under 28 U.S.C. § 1332. RRC has complied with all applicable provision of 28 U.S.C. §1441, *et seq.*, the applicable Federal Rules of Civil Procedure, and the Local Rules of the Northern District of Texas.

15. Pursuant to Local Rule 81.1, RRC attaches those materials required to be filed with the Notice of Removal.

16. The appropriate filing fee has been tendered to the Clerk of the United States District Court for the Northern District of Texas along with the Notice of Removal.

17. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to all adverse parties promptly after the filing of same. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal will be filed with the 192nd Judicial District Court of Dallas County, Texas promptly after the filing of this Notice of Removal. A copy of the state court notice is attached as **Exhibit D.8**.

**IV.**  
**CONCLUSION**

18. RRC timely removes this action for trial from the 192nd Judicial District Court of Dallas County, Texas to this Court.

Respectfully submitted,

/s/ Stuart B. Brown, Jr.

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**ATTORNEYS FOR DEFENDANT ROLLS-ROYCE CORPORATION**

**CERTIFICATE OF SERVICE**

I hereby certify that on February 14, 2023, a copy of the foregoing document was filed electronically using the Court's Electronic Case Filing System. Notice of this filing will be sent electronically to counsel of record using the Court's electronic notification system. Parties may access this filing through the Court's Electronic Case Filing System.

/s/ Stuart B. Brown, Jr.

Stuart B. Brown, Jr.